

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

CHARLES W. CARTER
5980 BRICKLIN STREET
WESTERVILLE, OH 43081,

PLAINTIFF,

VS.

AVENU INSIGHTS & ANALYTICS
C/O CORP SERVICE CO
100 SHOCKOE SLIP FL 2
RICHMOND, VA 23219-4100,

DEFENDANT.

20CV-06-3858

CASE NUMBER

**** SUMMONS ****

06/15/20

TO THE FOLLOWING NAMED DEFENDANT:

AVENU INSIGHTS & ANALYTICS
C/O CORP SERVICE CO
100 SHOCKOE SLIP FL 2
RICHMOND, VA 23219-4100

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,
BY: CHARLES W. CARTER
5980 BRICKLIN STREET
WESTERVILLE, OH 43081,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF
THE PLAINTIFF'S ATTORNEY IS:

MARION H. LITTLE
ZEIGER TIGGES LITTLE & LI
SUITE 3500
41 S HIGH STREET
COLUMBUS, OH 43215

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

EXHIBIT A

(CIV370-S03)

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

JUDGE C. O'DONNELL

CHARLES W. CARTER,

PLAINTIFF,

VS.

AVENU INSIGHTS & ANALYTICS,

DEFENDANT.

20CV-06-3858
CASE NUMBER

CLERK'S ORIGINAL CASE SCHEDULE

	LATEST TIME OF OCCURRENCE
CASE FILED	06/15/20
INITIAL STATUS CONFERENCE	*****
INITIAL JOINT DISCLOSURE OF ALL WITNESSES	11/02/20
SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES	12/28/20
DISPOSITIVE MOTIONS	03/22/21
DISCOVERY CUT-OFF	04/05/21
DECISIONS ON MOTIONS	05/17/21
FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)	06/03/21 0130PM
TRIAL ASSIGNMENT	06/28/21 0900AM

NOTICE TO ALL PARTIES

ALL ATTORNEYS AND PARTIES SHOULD MAKE THEMSELVES FAMILIAR WITH THE COURT'S LOCAL RULES, INCLUDING THOSE REFERRED TO IN THIS CASE SCHEDULE. IN ORDER TO COMPLY WITH THE CLERK'S CASE SCHEDULE, IT WILL BE NECESSARY FOR ATTORNEYS AND PARTIES TO PURSUE THEIR CASES VIGOROUSLY FROM THE DAY THE CASES ARE FILED. DISCOVERY MUST BE UNDERTAKEN PROMPTLY IN ORDER TO COMPLY WITH THE DATES LISTED IN THE RIGHT-HAND COLUMN.

BY ORDER OF THE COURT OF COMMON PLEAS,
FRANKLIN COUNTY, OHIO

DATE

MARYELLEN O'SHAUGHNESSY, CLERK

(CIV363-S10)

MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS**

**CASE TITLE: CHARLES W CARTER -VS- AVENU INSIGHTS &
ANALYTICS**

CASE NUMBER: 20CV003858

**TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL**

**DOCUMENTS TO BE SERVED:
COMPLAINT
CASE INFORMATION SHEET**

PROPOSED DOCUMENTS TO BE SERVED:

**UPON:
AVENU INSIGHTS & ANALYTICS
C/O CORP SERVICE CO
100 SHOCKOE SLIP FL 2
RICHMOND, VA 23219-4100**

JUVENILE CITATIONS ONLY:

HEARING TYPE:

__ Date already scheduled at : Courtroom:

**Electronically Requested by: MARION H. LITTLE, JR.
Attorney for:**

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IN THE FRANKLIN COUNTY, OHIO COMMON PLEAS COURT

CHARLES W. CARTER
5980 Bricklin Street
Westerville, OH 43081

Plaintiff,

vs.

AVENU INSIGHTS & ANALYTICS
c/o CORPORATION SERVICE COMPANY
100 Shockoe Slip Fl. 2
Richmond, VA 23219-4100

Defendant.

Case No. _____

Judge _____

Jury Demand Endorsed Hereon

COMPLAINT

For his complaint Against Defendant Avenu Insights & Analytics (“Defendant”), Plaintiff Charles W. Carter (“Plaintiff”) alleges as follows:

PARTIES

1. Plaintiff Charles W. Carter is a resident of Franklin County, Ohio. Plaintiff began his employment with Defendant on October 8, 2018, and was unlawfully terminated on December 19, 2019, at age 71, in violation of R.C. 4112.02(A) and 4112.99.

2. Upon information and belief, Defendant is a Virginia limited liability company conducting business throughout the United States in all 50 states, as well as 5 Canadian provinces. Its business includes the sale of various software solutions to governmental agencies, and to pursue such business, Defendants employs sales representatives throughout the United States to solicit business from some 15,000 government agencies in over 1,400 counties.

3. During his employment with Defendant, Plaintiff’s home office was located at his residence in Westerville, Ohio, and thus the unlawful termination occurred in Franklin County, Ohio.

4. Venue is proper before this Court under, among other provisions, Civil Rule 3(C)(3), (6), and/or (12).

FACTUAL ALLEGATIONS

5. R.C. 4112.02(1) states that it is unlawful for an employer to discriminate on the basis of age. The prohibition prohibits the termination of Ohio employees based of age.

6. Plaintiff's birth date is April 16, 1948, and thus he turned 72 on April 16, 2020.

7. Plaintiff commenced his employment as a Client Sale Executive with Defendant on or about October 8, 2018. Plaintiff has sold technology applications and solutions for governmental accounts over the last forty years.

8. Initially, Defendant hired Plaintiff to sell new business into then-existing customer accounts and to solicit business from new prospects and customers. In January 2020, Defendant modified Plaintiff Sales Executive duties so that his sale activities were limited to new prospects and customers. Plaintiff utilized the software "Salesforce" to document his sales activities. Recorded or document events included phone calls, email exchanges, and meetings with prospects or customers; estimates sales; and closing dates on sales contracts.

9. During his employment, Defendant never provided Plaintiff an employee evaluation. Nor was Plaintiff subject to any discipline, negative admonishment, or "write-up."

10. Plaintiff's areas of geographical responsibility on December 19, 2019 consisted of Western PA, Ohio, Kentucky, Indiana, Illinois, Michigan, Minnesota, and Wisconsin.

11. As of December 18, 2019, the day before Defendant's termination of Plaintiff, Defendant employed nine comparably situated salespersons. Of the nine, Plaintiff was one of two salespersons successfully signing work for Defendant and had two pending bids outstanding

potentially offering multi-year business for Defendant. Plaintiff was well qualified for his position.

12. Of the nine comparably situated salespersons as of December 18, 2019, one resigned on December 19, and discovery is required to determine the circumstances surrounding this separation.

13. On December 19 2019, as part of a purported restructuring, Defendant terminated three of the salespersons. The ages of the terminated salespersons were 55, 62 and Plaintiff at 72. Defendant did not terminate 5 other salespersons, all of whom were substantially younger than Defendant. Excluding the supervisor, the retained salespersons' ages were 40, 47, 52, and 52. In sum, every sales person retained by Defendant was at least twenty years younger than Plaintiff. Further, excluding the supervisor, Plaintiff terminated the three oldest sales persons and retained the younger salespersons.

14. Plaintiff was terminated supposedly as part of a restructuring in staff but replaced by a 47 year old sales person who Plaintiff had hired approximately 30 days earlier and was less qualified ("Successor"). Plaintiff's Successor was substantially younger than Plaintiff, lacked the same experience and qualifications as Plaintiff. But for his age, Defendant would have retained Plaintiff.

COUNT ONE

15. Plaintiff realleges herein paragraphs 1 through 14 above.

16. Plaintiff was treated differently in the terms, conditions, and privileges of his employment based upon his age.

17. Defendant's actions constitute age discrimination in violation of R.C. 4112.02(A) and 4112.99 for which Plaintiff seeks compensatory damages from Defendant, including

damages for emotional distress, plus punitive damages and attorneys' fees, interest and costs in an amount to be established at trial but not less than \$25,000.00.

COUNT TWO

(Unjust Enrichment)

18. Plaintiff realleges and incorporates the foregoing paragraphs as if fully rewritten herein.

19. Defendant failed to compensate Plaintiff for a transaction in Allegheny County that Defendant submitted on December 19, 2019, and closed in 2020, and further has failed to compensate Plaintiff the two percent commission otherwise payable to him upon the completion of a job for other projects.

20. As a result of the conduct described above, Defendant has been unjustly enriched to the detriment of Plaintiff for which he seeks damages in an amount to be established at trial, but not less than \$25,000.00.

WHEREFORE, Plaintiff demands that judgment be entered against Defendant in the sum of more than \$25,000 plus interest, attorney's fees and costs, and such other relief as the Court deems appropriate.

Respectfully submitted,

/s/ Marion H. Little, Jr.

Marion H. Little, Jr. (0042679)
ZEIGER, TIGGES & LITTLE LLP
3500 Huntington Center
41 South High Street
Columbus, Ohio 43215
(614) 365-9900
(614) 365-7900 (fax)
little@litohio.com

Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands trial by jury of all issues triable by right to a jury.

/s/ Marion H. Little, Jr.
Marion H. Little, Jr. (0042679)

999-003:861541

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In the Court of Common Pleas, Franklin County, Ohio, General Division
Charles W. Carter

Plaintiff/Appellant,

vs. Case No. _____
Avenu Insights & Analytics

Defendant/Appellee,

Civil Case Filing Information Summary

Type of Action/Case Classification:

_____ Professional Tort (Type A) (\$225.00 Security Deposit Required)	_____ Product Liability (Type B) (\$225.00 Security Deposit Required)
_____ Other Torts (Type C) (\$225.00 Security Deposit Required)	_____ Workers Compensation (Type D) (\$225.00 Security Deposit Required)
_____ Foreclosure (Type E) (\$300.00 Security Deposit Required)	_____ Administrative Appeal (Type F) (\$100.00 Security Deposit Required)
X All Other Civil Cases (Type H) (\$225.00 Security Deposit Required)	_____ Cognovit Confession of Judgment (H) (\$100.00 Security Deposit Required)

JURY DEMAND? Yes **Total Security Deposit \$** 225.00
(\$300.00 Additional Security Deposit Required) (Yes or No)

Is a **TEMPORARY RESTRAINING ORDER** being requested at this time? No
(Yes or No)

Is this a case in which **ALL** the issues presented are a result of the
defendant(s) having signed and defaulted on a **COGNOVIT NOTE**? No
(Yes or No)

Is this a **FORCIBLE ENTRY AND DETAINER** case? No
(Yes or No)

Does this case include allegations of **CONSUMER SALES PRACTICES**
ACT violations under Chapter 1345 or any other statutory consumer
protection provision of the Ohio Revised Code? No
(Yes or No)

Refiling Information:

If this is a **REFILING** of a previously dismissed case, please complete the following:

Previous Case No. _____

/s/ Marion H. Little, Jr.

Attorney/Party Signature

Marion H. Little, Jr.

Attorney/Party Name (Type or Print)

41 S. High St., #3500

Mailing Address

Columbus OH 43215

City State Zip Code

Original Judge _____

0042679

Attorney Ohio Sup. Ct. Registration No.

614-365-9900

Telephone Number

614-365-7900

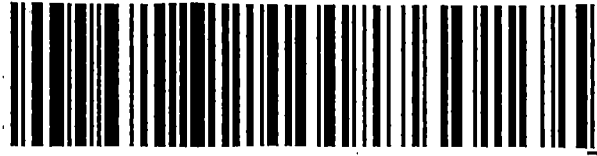
Facsimile Number

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MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

CERTIFIED MAIL

USPS CERTIFIED MAIL



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U.S. POSTAGE PITNEY BOWES



ZIP 43215 \$ 006.45⁰
02 JUN 19, 2020
0000360946

20CV-06-3858 H ADDR: 1
42679 MARION H. LITTLE

F O R W A R D I N G S E R V I C E R E Q U E S T E D

CARTE
AVENU INSIGHTS & ANALYTIC
C/O CORP SERVICE CO
100 SHOCKOE SLIP FL 2
RICHMOND, VA
23219-4100



2321920CV03858CARTE